

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO	). F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,383	10/728,383 12/05/2003		Keith Graham Packham	674519-2029	9236
20999	7590	09/24/2004	EXAMINER		
		ENCE & HAU	O HARA, EILEEN B		
	I AVENUE RK, NY 1	- 10TH FL. 0151		ART UNIT	PAPER NUMBER
				1646	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

i							
	•	Application No.	Applicant(s)				
Office Action Summers		10/728,383	PACKHAM ET AL.				
	Office Action Summary	Examiner	Art Unit				
··		Eileen O'Hara	1646				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status		•					
1)	Responsive to communication(s) filed on	·					
		This action is non-final.					
3)	Since this application is in condition for all	lowance except for formal matters, pro	secution as to the merits is				
	closed in accordance with the practice un	der <i>Ex parte Quayle</i> , 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims							
4)⊠	Claim(s) 1-43 is/are pending in the application	ation.					
	4a) Of the above claim(s) is/are with						
	Claim(s) is/are allowed.						
6)□	Claim(s) is/are rejected.						
7)	Claim(s) is/are objected to.						
8)🖂	Claim(s) <u>1-43</u> are subject to restriction and	d/or election requirement.					
Applicati	ion Papers						
9)[	The specification is objected to by the Exa	iminer.					
	The drawing(s) filed on is/are: a)		Examiner.				
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)	The oath or declaration is objected to by the	ne Examiner. Note the attached Office	Action or form PTO-152.				
Priority u	under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>							
* See the attached detailed Office action for a list of the certified copies not received.							
2) D Notice 3) D Inform	te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SI	B/08) 5) Notice of Informal Pa					
rapei	Paper No(s)/Mail Date 6) Uther:						

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-36 and 41-43, drawn to compositions comprising a sulphamate compound and an apoptosis inducer and a method of preventing or inhibiting growth of tumor cells using the composition, classified in class 530, subclass 351, for example.
- II. Claims 37-40, drawn to a method of upregulating receptor function of a TRAIL receptor comprising contacting a cell comprising the TRAIL receptor with a sulphamate compound, classified in class 514, subclass 169.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the method of treating with a composition comprising a sulphamate compound and an apoptosis inducer has a different effect from the method of treatment with just the sulphamate compound.

Because these inventions are distinct for the reasons given above, have acquired a separate status in the art as shown by their different classification, and the search required for each group is not required for the other groups because each group requires a different non-

Application/Control Number: 10/728,383

Art Unit: 1646

patent literature search due to each group comprising different products and/or method steps, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen B. O'Hara, whose telephone number is (571) 272-0878.

The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached at (571) 272-0961.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Application/Control Number: 10/728,383

Art Unit: 1646

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.ispto.gov">http://pair-direct.ispto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Eileen B. O'Hara, Ph.D.

Patent Examiner

EILEEN B. O'HARA PATENT EXAMINER

Seen B.OHara